

to the Regional Director, U.S. Fish and Wildlife Service, Suite 1692, Lloyd 500 Building, 500 NE. Multnomah Street, Portland, Oregon 97232. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:**

Wayne S. White, Chief, Division of Endangered Species, at the above address (503/231-6131 or FTS 429-6131).

**SUPPLEMENTARY INFORMATION:**

**Background**

The first known collections of this species were made in 1952 and 1953. Dr. Dwight W. Taylor of Tiburon, California, has studied the anatomy of the species and determined that it represents a previously unknown genus and species of the snail family Hydrobiidae. Dr. Taylor has prepared a diagnosis of the species' anatomy and suggested the common name of Bruneau hot spring snail, but has not yet published a formal scientific name and description for the species.

The adults of this species reach only about 5 millimeters in length of the shell. The species occurs in only two small thermal springs or seep areas and their immediate outflows. The snails have been found in these habitats on rocks, gravel, mud, and algal film. The springs and proximal outflows, which constitute the most important habitat, are on land administered by the Bureau of Land Management (BLM). Downstream habitat is on private land.

The major threat to this species is the reduction of its habitat by reduced spring flows caused by drawdown of the water table by ground water pumping for agricultural and other uses. The extent of seepage at spring sources has been greatly reduced in recent years, as has the rate of flow from the remaining sources.

Dr. Dwight W. Taylor carried out a field survey of the status of the Bruneau Hot Spring snail in 1981 and 1982. His final report was received by the Service's Boise Endangered Species Field Office on November 3, 1982, and was the basis for the placement of this species in category 1 (data on hand support the appropriateness of a proposal of endangered or threatened status) on the Service's comprehensive notice of review on invertebrate candidate species published in the **Federal Register** (49 FR 21664-21675) on May 22, 1984. Dr. Taylor's findings are the sources of the data summarized in the present document and are the major bases of the Service's decision to

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Bruneau Hot Spring Snail**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service proposes to determine endangered status for the Bruneau hot spring snail (family Hydrobiidae). This species occurs only in two small hot springs and their immediate outflows in Owyhee County, Idaho. The major threat to this species is the drastic and continuing reduction in spring flows. This proposal, if made final, would implement the protection of the Endangered Species Act of 1973, as amended, for this species. The Service seeks relevant data and comments from the public.

**DATES:** Comments from all interested parties must be received by October 21, 1985. Public hearing requests must be received by October 7, 1985.

**ADDRESS:** Comments and materials concerning this proposal should be sent

propose endangered status for the species. This report, which includes a biological characterization of the species, is available for inspection as described in the **ADDRESSES** section of this proposed rule.

#### Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424 set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Bruneau Hot Spring snail are as follows:

**A. The present or threatened destruction, modification, or curtailment of its habitat or range.** An essential portion of this species' habitat is spring flow from a vertical rock face. This face provided habitat for most of the species at the times of Dr. Taylor's visits to the site in 1959, 1963, and 1975. In 1981 and 1982, Dr. Taylor found the sources of water flow to be greatly reduced so that relatively more snails were found in stream outflows, where they are more vulnerable to flash floods (see E below). Makeshift dams are sometimes constructed by bathers to form a pool and improve conditions for bathing. If a pool were created that raised the water level even with the level at which the spring emerges from the rock face, the algal habitat of the snail would then be under water and could be destroyed. The likelihood of this event occurring increases as the water table drops.

Flows at these springs are now less than 10 percent of 1954 levels (Littleton and Crothwaite, 1957; Young *et al.*, 1979) and at times are much lower than these reduced levels. Further lowering of the water table could eliminate these flows altogether and cause the extinction of the species. The outflows occupied by this species constitute 400 feet of stream for one source of spring flow and 1,000 feet for the second source.

**B. Overutilization for commercial, recreational, scientific, or educational purposes.** There are no commercial uses for this species. Recreational use of the springs and outflows, except as described in A above, for bathing is not a threat at present snail population levels, which are also large enough that collection for scientific or educational purposes would not be a significant threat. The habitat, however, is limited in size to an extent that vandalism is a

significant potential threat to the species and its habitat (see section or critical habitat).

**C. Disease or predation.** Not known to be applicable.

**D. The inadequacy of existing regulatory mechanisms.** Although removing ground water at a greater rate than it is naturally replaced is illegal in Idaho, the water table continues to fall. There are no other official protections for this species or its habitat.

**E. Other natural or manmade factors affecting its continued existence.** Flash floods are a serious threat to this species. Snails on the vertical rock face are probably in the only habitat that is safe from the scouring effect of flash floods that would eliminate snails from the outflows below.

The Service has carefully assessed the best scientific information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list the Bruneau hot spring snail as endangered. The extremely precarious position of this species requires that this species receive the fullest possible protection provided by the Endangered Species Act. Threatened status would not provide that maximum protection. The decision to not propose critical habitat for this species is explained in the next section.

#### Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. The habitat of this species consists of no more than 1,500 feet of aquatic habitat. A single episode of vandalism could irrevocably alter the entire habitat or otherwise result in the species' extinction. Publication of critical habitat descriptions would make this species even more vulnerable to such acts and increase enforcement problems. Therefore, it would not be prudent to determine critical habitat for the Bruneau hot spring snail at this time.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in

conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States, and requires that recovery actions be carried out for all listed species. Such action are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29990: June 29, 1983). Section 7(a)(4) requires Federal agencies to informally confer with the Service on any action that is likely to jeopardize the continued existence of a proposed species. If a species is subsequently listed, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species. If a Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service. Issuance of permits to drill wells by BLM may be the subject of consultation. At this time, however, BLM is not issuing or receiving applications to issue such permits.

The BLM is the Federal agency that is most likely to be affected by any final action that might be taken on this proposal. Present BLM management of the habitat is consistent with the conservation of this species. Changes in BLM management of this habitat would be subject to consultation with the Service.

The Act and implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce listed species. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that had been taken illegally.

Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving

endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

#### Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

- (1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to the Bruneau hot spring snail.
- (2) The location of any additional populations of the Bruneau hot spring snail and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;
- (3) Additional information concerning the range and distribution of this species; and
- (4) Current or planned activities in the subject area and their possible impacts on the Bruneau hot spring snail.

Final promulgation of the regulation on the Bruneau hot spring snail will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Regional Director at the address given under **ADDRESSES**.

#### National Environmental Policy Act

The U.S. Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the *Federal Register* on October 25, 1983 (48 FR 49244).

#### Literature Cited

- Littleton, R.T., and E.G. Crosthwaite. 1957. Ground-water geology of the Bruneau-Grandview area, Owyhee County, Idaho. U.S. Geological Survey Water-Supply Paper 1480-D:147-198.
- Taylor, D.W. 1982. Status review on Bruneau hot spring snail. Unpublished report submitted to the U.S. Fish and Wildlife Service's Boise Endangered Species Field Office.

Young, H.W., R.E. Lewis, and R.L. Backsen. 1979. Thermal ground-water discharge and associated convective heat flux, Bruneau-Grand View area, southwest Idaho. U.S. Geological Survey Water-Resources Investigations 79-82, Open File Report.

#### Author

The primary author of this proposed rule is Dr. Steven M. Chambers, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (703/235-1975).

#### List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

#### Proposed Regulation Promulgation

#### PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend Section 17.11(h) by adding the following, in alphabetical order, under SNAILS to the List of Endangered and Threatened Wildlife:

#### § 17.11 Endangered and threatened wildlife.

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(h) \* \* \*

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
SNAILS							
Snail, Brauneau hot spring .....	Family Hydrobiidae, genus and Idaho species undescribed.	.....	NA .....	E .....		NA	NA
		.....					

Dated: August 8, 1985.

P. Daniel Smith,  
Acting Deputy Assistant Secretary for Fish  
and Wildlife and Parks.

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